Supreme Court, U.S.
FILED

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No. OFFICE OF THE CLERK

Supreme Court of the United States

Term October 2007

Roger W. Knight, petitioner

v.

State of Washington, ex rel Royanne Schmitz

On Petition for Writ of Certiorari to the Supreme Court of Washington

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF WASHINGTON

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I. Questions Presented For Review

A. Is an order on contempt in a child support case that requires 30 hours of work per week or 3 job contacts each week to enable payment of past due child support or be confined to the county jail declared null and void by the Antipeonage Act. 42 U.S.C. §1994?

B. Is Question A frivolous?

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IV. Decision Below

The denial of review below is noted at 160 Wash. 2d. 1014. The unpublished state Court of Appeals decision is noted at 130 Wash. App. 1022.

V. Statement of Grounds For Jurisdiction of this Court

The Supreme Court of Washington entered its denial of review on June 6, 2007. App. 1. This Petition for Writ of Certiorari is presented within 90 days of June 5, 2007.

This Court has jurisdiction to review the denial of review provided by 28 U.S.C. §1257(a).

VI. Laws Involved in this Case

Provisions of the United States Constitution

Thirteenth Article of Amendment

Section 1. Neither slavery nor involuntary servitude, except as punishment for crime whereof the party shall have been duly convicted, shall exist in the United States, or anyplace subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

Laws of the United States

42 U.S.C. §1994

The holding of any person to service or labor under the system known as peonage is abolished and forever prohibited in any Territory or State of the United States; and all acts, laws, resolutions, orders, regulations, or usages of any Territory or State, which have heretofore established, maintained, or enforced, or by virtue of which any attempt shall hereafter be made to establish, maintain, or enforce, directly or indirectly, the voluntary or involuntary service or

labor of any persons as peons, in liquidation of any debt or obligation, or otherwise, are declared null and void.

VII. Statement of the Case

On November 10, 2005, the Order on Contempt, was entered by King County Superior Court. App. 7-10.

On November 18, 2005 Mr. Knight filed the Motion to Modify Commissioner's Order in the Superior Court.

On December 9, 2005, the Superior Court heard the Motion to Modify Commissioner's Order and entered the Order on Civil Motion. App. 5-6.

On January 5, 2006, Mr. Knight filed the Notice of Appeal to the Court of Appeals, Division One.

On July 31, 2006 the Court of Appeals entered the Unpublished Opinion signed by Judges Baker, Dwyer, and Becker. App. 2-4.

On August 29, 2006, Mr. Knight filed his Petition for Review with the Supreme Court of Washington.

On June 6, 2007, the Supreme Court of Washington denied the Petition for Review. App. 1.

VIII. Argument for Allowance of the Writ

A. Antipeonage Act

1) Child Support Enforced by Order Requiring Employment or Seeking Employment on Threat of Imprisonment Prohibited by Antipeonage Act

This case involves a claim that the court order in question, App. 7-10, which requires the petitoner to **either work 30 hours per week or to seek employment under the threat of arrest and imprisonment,** is declared null and void by the Antipeonage Act, as originally passed on March 2, 1867, 14 STAT 546, and as presently codified, 18 U.S.C. §1581 and 42 U.S.C. §1994.

The Antipeonage Act was found to be authorized by

Section 2 of the Thirteenth Amendment in *Civil Rights Cases* (1883) 109 U.S. 3, 20-23, 27 L. Ed. 835, 3 S. Ct. 18 and in every published opinion since considering such validity. The Antipeonage Act has never been found unconstitutional.

Even if the Thirteenth Amendment can be read as not restricting requirements to serve on jury duty, military service, road work, or merchant marine, Congress is authorized to pass appropriate legislation to restrict or prohibit mandatory service for such obligations. Congress abolished the draft. Congress can regulate merchant marine contracts to avoid or to prohibit involuntary servitude, including criminal penalties and civil action for redress for off-shore peonage, and repeal the statute at issue in *Robertson v. Baldwin*, (1897) 165 U.S. 275, 41 L. Ed. 715, 17 S. Ct. 326.

Congress has the authority under the Appropriate Legislation Clauses to go beyond the protections contemplated by the Civil War Amendments to implement these Amendments: *Jones v. Alfred H. Mayer, Co.*, (1968) 392 U.S. 409, 413, 437-444, 20 L. Ed. 2d. 1189, 88 S. Ct. 2186 and *Griffin v. Breckenridge*, (1971) 403 U.S. 88, 105, 29 L. Ed. 2d. 338, 91 S. Ct. 1790, Thirteenth Amendment Section 2; *Katzenbach v. Morgan*, (1966) 384 U.S. 641, 648-651, 16 L. Ed. 2d. 828, 86 S. Ct. 1717, Fourteenth Amendment Section 5; *South Carolina v. Katzenbach*, (1966) 383 U.S. 301, 15 L. Ed. 2d. 769, 86 S. Ct. 803, Fifteenth Amendment Section 2. *South Carolina* and *Morgan* cited *McCulloch v. Maryland*, (1819) 17 U.S. (4 Wheat.) 316, 421, 4 L. Ed. 579 in setting the limits of Congressional power to implement and enforce the Civil War Amendments:

> Let the end be legitimate, let it be within the scope of the constitution, and all means which are appropriate, which are plainly adapted to the end, which are not

prohibited, but consistent with the letter and the spirit of the constitution, are constitutional.

If Congress has the constitutional authority to prohibit peonage in liquidation of a child support debt or obligation, ***and has done so***, it matters not what interests of government there are for compelling labor in liquidation of such debt or obligation. Government can claim similar interests in the enforcement of any other debt or obligation. However, the elected Congress has the authority to choose prohibiting involuntary servitude in liquidation of any debt or obligation as the higher interest of government, and **it has done so**.

2) Choice of Employment Does Not Defeat Claim of Peonage or Involuntary Servitude; California and Hawaii are in Conflict With This Court and Other Courts

Child Support Enforcement Agency v. Doe, (2005) 109 Hawaii 240, 125 P. 3d. 461, 473 relied on the *Moss v. Superior Court of Riverside County*, (1998) 17 Cal Rptr. 2d 215, 17 Cal 4th 396, 950 P. 2d. 59 finding that:

> In *Moss*, the court noted that "[t]he obligation of a parent to support a child . . . is among the most fundamental obligations recognized by modern society" and "to become employed if that is necessary to meet the obligation, is in no way comparable or akin to peonage or slavery." *Id.* at 67. The court distinguished the child support obligation from involuntary servitude on the grounds that the obligee is free to choose his employment and employer:
>
> > When, as here, however, the person claiming involuntary servitude is simply expected to seek and accept employment, if available, and is free to choose the type of employment and the employer, and is also free to resign that employment if the conditions are unsatisfactory or to accept other employment,

> none of the aspects of "involuntary servitude" which invoke the need to apply a contextual approach to Thirteenth Amendment analysis are present. There is no "servitude" since the worker is not bound to any particular employer and has no restrictions on his freedom other than the need to comply with a lawful order to support a child. Working to earn money to support a child is not involuntary servitude any more than working in order to pay taxes. Failure to do either may subject one to civil and criminal penalties, but that compulsion or incentive to labor does not create a condition of involuntary servitude.

Id. at 72. The court held that the obligation to comply with a child support order and to work if necessary to do so does not constitute involuntary servitude. *Moss*, 950 P.2d at 73.

It is axiomatic, by definition, that any peon can escape the condition by paying off the debt, or by finding a lender or employer willing to purchase the debt, or by finding and alternative employer willing to pay a salary sufficient to allow payments toward the debt. Absent such fortunate circumstances, we have the precise evil addressed by the Thirteenth Amendment and the Antipeonage Act. Without the alternative employer, the noncustodial parent is **NOT FREE** "to resign that employment if the conditions are unsatisfactory".

Moss and *Doe* render the Antipeonage Act a nullity. This is not what Congress intended in 1867 and such interpretation flies in the face of the rules for statutory construction of Acts of Congress as defined by the United States Supreme Court in numerous decisions since 1787.

The Antipeonage Act, as present, 42 U.S.C. §1994,

and as originally passed, 14 STAT 546, includes the language "voluntary or involuntary". In New Mexico Territory, referenced at 14 STAT 546, most instances of peonage were imposed by contract, *Jaremillo v. Romero*, (1857) 1 N.M. (Gildersleeve) 190, 194-199, while a minority of instances of peonage were imposed by court order. An employer would loan money limited by the peon's annual pay, *Id.*, at 198, and the peon agreed to be bound as a servant until such loan is paid off. *Id.*, at 194. More money would be periodically advanced to replace funds the peon spent to support himself and his family. Thus the peon would never be able to buy his way out of bondage.

Addressed on point in *United States v. Reynolds*, (1914) 235 U.S. 133, 146, 59 L. Ed. 162, 35 S. Ct. 86:

> When thus at labor, the convict is working under a contract which he has made with his surety. He is to work until the amount which the surety has paid for him -- the sum of the fine and the costs -- is paid. The surety has paid the state and the service is rendered to reimburse him. That is the real substance of the transaction. **The terms of that contract are agreed upon by the contracting parties, as the result of their own negotiations. The statute of the state does not prescribe them. It leaves the making of the contract to the parties concerned, and this fact is not changed because of the requirement that the judge shall approve the contract.**

Emphasis added. *Peonage Cases*, (M.D. Ala. 1903) 123 F. 671, 674 found:

> If the peon wished to change the masters or service, he could find a new employer who would advance enough to pay the peon's debts to his then master, and the peon would then become bound in the new employer's service.

Same. *Jaremillo, supra*, at 1 N.M. 194, and:

> If the servant does not wish to continue in service for any cause, such as the ill-treatment of the master, and receiving better pay from another;

Id., at 199, quoting New Mexico Territory's Master and Servant Act of 1851. Thus, it is not fatal to a claim of peonage that the peon may choose his employer or even his profession. The surety as contemplated in *Reynolds* could be a manufacturing concern, a restaurant, or an engineering firm. Mr. Knight is in the same position as the peon who wishes to change masters or profession, he need only find an employer willing to pay such funds as the State demands.

This is unlawful under the Thirteenth Amendment and the Antipeonage Act.

California and Hawaii are thus in conflict with this Court and New Mexico Territory at the time peonage was practiced as to what constitutes peonage and whether choice of employer defeats a claim of peonage. The 1867 Congress clearly intended to prohibit what New Mexico Territory practiced.

3) Rules of Construction of Acts of Congress

Negonsott v. Samuels, (1993) 507 U.S. 99, 104, 122 L. Ed. 2d. 457, 113 S. Ct. 1119, found:

> "Our task is to give effect to the will of Congress, and where its will has been expressed in reasonably plain terms, that language must ordinarily be regarded as conclusive."

quoting *Griffin v. Oceanic Contractors, Inc.*, (1982) 458 U.S. 564, 570, 73 L. Ed. 2d. 973, 102 S. Ct. 3245. Also, *Consumer Product Safety Commission v. GTE Sylvania*, (1980) 447 U.S. 102, 108, 64 L. Ed. 2d. 766, 100 S. Ct. 205; *Hartford Underwriters Ins. Co. v. Union Planters Bank, N.A.* (2000) 530 U.S. 1, 147 L. Ed. 2d. 1, 120 S. Ct. 1942, 1947; *United States v. Sun-Diamond Growers*, (1999) 526 U.S.

398, 407, 143 L. Ed. 2d. 576, 119 S. Ct. 1402; and *Harris Trust & Savings Bank v. Salomon Smith Barney, Inc.*, (2000) 530 U.S. 238, 147 L. Ed. 2d. 187, 120 S. Ct. 2180, 2191. Congress "says in a statute what it means and means in a statute what it says there," *Connecticut Nat. Bank v. Germain*, (1992) 503 U.S. 249, 254, 112 S. Ct. 1146, 117 L. Ed. 2d. 391.

Hamdan v. Rumsfeld, (2006) 126 S. Ct. 2849 further strengthened the rules of statutory construction. *Griffin* at 485 U.S. 564, 571 found:

> in rare cases the literal application of a statute will produce a result demonstrably at odds with the intentions of its drafters

First, no evidence exists that the 1867 Congress intended any exception for child support in its prohibition of peonage. The literal application of 42 U.S.C. §1994 to child support produces the result that employment or the seeking of employment may not be coerced or ordered in liquidation of such obligation. It cannot be demonstrated that this is at odds with the intent of the 1867 Congress.

Second, *Hamdan* strips away this *Griffin* rule. Congress clearly intended, according to the dissent by Justice Scalia, to strip the federal courts of jurisdiction to hear habeas corpus claims brought by Guantanamo detainees who are not citizens of the United States, and that it intended the Detainee Treatment Act of 2005 (DTA), Pub. L. 109–148, 119 Stat. 2739 to apply to such habeas corpus petitions pending at the time of the it's enactment. Because Congress failed to write such intent specifically into every provision of the DTA, the literal application of some parts of this Act negates this intent. Thus, even if the State could argue that the 1867 Congress did not intend the Antipeonage Act to apply to child support enforcement, *Hamdan* mandates that the literal language of the Antipeonage Act be applied.

It is up to Congress to change the language of the Antipeonage Act if it wants a different result.

B. Court of Appeals Decision is Irrational

The Unpublished Opinion, App. 3, reads in part:

> Knight has already repeatedly raised this exact issue in state and federal courts.

Not true. The issue Mr. Knight raised herein is whether a court order requiring 30 hours of work per week or three job contacts, App. 9, is declared null and void by 42 U.S.C. §1994. He could not have raised this issue at any time prior to November 10, 2005 because no such order involving Mr. Knight ever existed. The Court of Appeals goes on to state:

> The Ninth Circuit Court of Appeals has held in at least two unpublished opinions that the Washington statute does not violate the anti-peonage act.

App. 3. Which unpublished opinions? Which Washington statute? Mr. Knight's challenge in this present case is to a court order, not to any statute.

The Unpublished Opinion, App. 3, goes on to find:

> Judge Robert Lasnik of the United States District Court for the Western District of Washington has ordered that, as the result of his vexatious and frivolous litigation, Knight may not file any pro se complaint or petition in that court in any case where he is a named plaintiff or purports to act as party representative without prior review by the court.

That would be Document No. 65, Order Regarding Motions for Summary Judgment, and the Order Denying Plaintiff's Motion to Amend Judgment, Document No. 77, in *Knight v. City of Mercer Island et al*, W.D. Wash No. C02-879L.

Mr. Knight brought this federal case after Washington's state courts found claims against the validity of a license suspension collaterally barred in a criminal driving while license suspended case. Judge Lasnik found himself

barred by both *Younger*[1] abstention and *Rooker-Feldman*[2] doctrines. Yet he also imposed a litigation bar because Mr. Knight "repeatedly" brought actions in the federal courts challenging the enforcement of child support.

One of the issues Mr. Knight raised before Judge Lasnik is that as child support is unrelated to the activities licensed, the Fourteenth Amendment prohibits license suspension based on such unrelated matter. Subsequently three Justices of the Supreme Court of Washington agreed in dissent with this proposition. *Amunrud v. Board of Appeals*, (2006) 158 Wash. 2d. 208, 231-246, 143 P. 3d. 571, certiorari denied.

Thus both the Washington Court of Appeals Unpublished Opinion below, App. 2-4, and the federal court decision it relied upon are irrational.

C. California and Hawaii Split on Frivolousness

Child Support Enforcement Agency v. Doe, (2005) 109 Hawaii 240, 125 P. 3d. 461 found that a father's claim for equal protection of the right to avoid parenthood in light of a mother's right to abort a pregnancy, and her privilege of giving the child up for adoption or abandoning such child at hospitals, fire stations and such under the statutes of many of the states to be frivolous and awarded sanctions against the attorneys who brought the case. The Hawaii Supreme Court also so found with Doe's claim for the protection of the Antipeonage Act.

However, the California Supreme Court, in *Moss v.*

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[1] *Younger v. Harris*, (1971) 401 U.S. 37, 46-54, 27 L. Ed. 2d. 669, 91 S. Ct. 746

[2] *Rooker v. Fidelity Trust Co.*, (1923) 263 U.S. 413, 68 L. Ed. 362, 44 S. Ct. 149 and *District of Columbia Court of Appeals v. Feldman*, (1983) 460 U.S. 462, 75 L. Ed. 2d. 206, 103 S. Ct. 1303.

Superior Court of Riverside County, (1998) 17 Cal Rptr. 2d 215, 17 Cal 4th 396, 950 P. 2d. 59, 80 found that because Brent Moss relied in good faith in the protection of the Thirteenth Amendment and the Antipeonage Act, the Court of Appeals decision annulling the contempt order was upheld. Of course he relied in good faith, the state's Court of Appeals found his claim meritorious, at 56 Cal. Rptr. 2d. 868-870.

This Court found that a complaint is frivolous only if "it lacks an arguable basis in law or fact" in *Neitzke v. Williams*, (1989) 490 U.S. 319, 325, 104 L. Ed. 2d. 338, 109 S. Ct. 1827. *Moss* is an arguable basis in law and the requirement for 30 hours of work per week or 3 job contacts, App. 9, is the arguable basis in fact.

D. Issues Raised Herein Are Extremely Important

If child support is not important, then there is no rational reason to deny those ordered to pay it the equal protection of state constitutions that prohibit imprisonment for debt. The difference between imprisonment for debt and imprisonment for violating a court order requiring the payment of money is equal to the difference between six feet and a fathom.

It is also equal to the difference between peonage and a court order requiring 30 hours per week of employment or the seeking of employment under threat of imprisonment.

When a class of citizens are denied the equal protection of a state constitution that prohibits imprisonment for debt except in cases of absconding debtors, they **DISAPPEAR**! Counterproductive to society's interest in parents assisting in the upbringing of their children.

To find that the duty to support a child creates an exception to the Thirteenth Amendment is to strip the constitutional protection against involuntary servitude from **ALL** Americans who are parents of minor children. This is not a result intended by those who won the Civil War, who

also passed the Antipeonage Act.

That a citizen is endowed with an inalienable right to rely upon the plain meaning of an Act of Congress is a truth that is self evident.

When a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce him under absolute Despotism, it is Mr. Knight's right, it is his duty, to bring it to the attention of this Court.

This matter directly affects millions of Americans, indirectly affects millions more, and the whole of our society is affected by this system of no-fault divorce where no wrongdoing need be found for the deprivation of liberty and property, and by the Child Support Crusade that enforces the deprivation of liberty and property imposed without regard to any finding of wrongdoing.

IX. Conclusion

For the reasons stated herein, this Petition for Writ of Certiorari should be granted.

Respectfully submitted,
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THE SUPREME COURT OF WASHINGTON

ROGER W. KNIGHT, Petitioner, v. STATE OF WASHINGTON and DEPARTMENT OF SOCIAL AND HEALTH SERVICES, Respondent.	)	No. 79200-3 ORDER CA NO. 54129-3-I

Department II of the Court, composed of Chief Justice Alexander and Justices Madsen, Bridge, Owens, and J. M. Johnson, considered this matter at its June 5, 2007, Motion Calendar, and unanimously agreed that the following order be entered.

IT IS ORDERED:

The Petition for Review is denied.

DATED at Olympia, Washington this 6th day of June, 2007.

For the Court

Gerry L. Alexander (signature)
CHIEF JUSTICE

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

STATE OF WASIHNGTON,) Ex rel. ROYANNE M. SCHMITZ, Respondent,	)	NO. 57547-3-I
v.	)	DIVISION ONE
ROGER WILLIAM KNIGHT, Respondent.	)	UNPUBLISHED OPINION
	)	FILED: July 31, 2006

PER CURIAM -- The Washington statute governing failure to comply with child support orders does not establish peonage or involuntary servitude. Roger Knight voluntarily signed an agreed contempt order requiring him to either work or show proof that he was seeking work, and the family court commissioner did not err in denying Knight's motion for reconsideration based on the argument that the order violated the federal anti-peonage act. We affirm.

FACTS

Roger Knight has repeatedly filed legal actions in Washington and federal courts seeking to avoid payment of court-ordered child support. On November 10, 2005, Knight signed an agreed contempt order based on his failure to comply with a child support order. The contempt order provided that Knight would be confined in the county jail if he did not purge the contempt by the next hearing, scheduled for January 18, 2006, by working at least 30 hours per week or making three job contacts per week and beginning to pay past due child support of over $87,000. Knight moved to modify this order on the basis that the federal anti-peonage

act, 42 U.S.C.A. sec. 1994, rendered it null and void. The family court commissioner denied Knight's motion, finding that there was no basis in law for reconsideration. Knight appeals.[1]

DISCUSSION

Knight has already repeatedly raised this exact issue in state and federal courts. He has never prevailed. The Ninth Circuit Court of Appeals has held in at least two unpublished opinions that the Washington statute does not violate the anti-peonage act. Judge Robert Lasnik of the United States District Court for the Western District of Washington has ordered that, as the result of his vexatious and frivolous litigation, Knight may not file any pro se complaint or petition in that court in any case where he is a named plaintiff or purports to act as party representative without prior review by the court.

Contempt proceedings are a valid exercise of the State's power to compel a parent to meet his obligation to provide for his children.[2] RCW 26.18.050(4) does not require an individual to work, but to "establish that he or she exercised due diligence in seeking employment, in conserving assets, or otherwise in rendering himself or herself able to comply with the court's order." This requirement does not constitute peonage.

> [E]nforcement of equitable orders through the use of contempt is permitted because a contempt order is an attempt by the court to compel the defendant to comply with the court's prior, lawful, equitable order. It is not [an action on] a debt, but rather . . . for refusing to comply with the court's equitable order to do or not do something.[3]

The family court commissioner did not err in denying Knight's wholly frivolous motion.

AFFIRMED.

FOR THE COURT:

(signatures of the three judges, William W. Baker, Stephen J. Dwyer, and Mary Kay Becker)

[1] Knight filed a motion for leave to supplement briefs wherein he discussed a recent United States Supreme Court opinion. We deny the motion, but will treat the motion as a citation to supplemental authority and have considered the case as part of the appeal.

[2] *Hicks v. Feiock*, 485 U.S. 624, 638, 108 S. Ct. 1423, 99 L. Ed. 2d 271 (1988).

[3] *State ex rel. Daly v. Snyder*, 117 Wn. App. 602, 610, 72 P.3d 780 (2003), rev. denied, 151 Wn.2d 1005 (2004).

IN THE SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

STATE OF WASHINGTON, Ex rel. ROYANNE M. SCHMITZ, Respondent.	)	NO. 90-3-04471-1SEA
	)	ORDER ON CIVIL MOTION
v.	)	*(ORM)*
ROGER WILLIAM KNIGHT, Respondent.	)	

The above entitled court. having heard a motion to modify Commissioner Sellers order dated 11.10.05 (revision) and Roger Knight the moving party appearing pro se and upon the courts.

IT IS HEREBY ORDERED that inquiring Roger Knight representing that he prefers to represent himself today rather than have private counsel or seek representation of a public defender and the state appearing by and through deputy prosecuting attorney Jacqueline Jeske and Royanne Schmitz not appearing and the court having reviewed the record and files herein. heard the arguments of both respondent Knight and the state and being fully apprised in the premises. now therefore:

IT IS HEREBY ORDERED that:

1. The motion to modify by Commissioner Sellers is denied and

2. The court finds that Mr. Knight's appeal of an agreed order is by definition frivolous.

3. The terms and conditions of the agreed order of contempt of 11/10/05 shall remain in effect with one addition. A sanction for the filing of a frivolous revision, respondent Knight shall have an additional purge condition of payment of $900 to KC (state) (6 hours of state's attorneys' time in responding to motion @ $150 per hour) and must pay this sum before or on his next date of 1/18/06*
DONE IN OPEN COURT this 9th day of December 2005.

/s/
JUDGE Gonzalez

Presented by:
/s/
Jacqueline L. Jeske

Received by:
/s/
Roger W. Knight

*this sum if paid on 1/18/06 must not be paid via personal check

JLJ
IV-D#: 586476

IN THE SUPERIOR COURT OF WASHINGTON
COUNTY OF KING

STATE OF WASHINGTON, Ex rel. ROYANNE M. SCHMITZ, Respondent.	)	NO. 90-3-04471-1SEA
	)	AGREED ORDER RE CONTEMPT
v.	)	(ORCN)
ROGER WILLIAM KNIGHT, Respondent.	)	CLERK'S ACTION REQUIRED
	)	NEXT HEARING DATES 12/19/05 and 1/18/06

I. HEARING

1.1 A hearing was noted for 11/7/05, set by [V] Stipulated order dated 7/21/05

1.2 The following persons appeared:

[X] Attorney for the State of Washington

[V] Respondent, Roger William Knight

[V] Attorney for Respondent, Paul King

1.3 In lieu of hearing by the court, the parties agreed to entry of this order.

II. FINDINGS AND CONCLUSIONS

2.1 COMPLIANCE WITH COURT ORDER

Roger William Knight failed to comply with a lawful order of the court dated 7.21.05.

2.2 NATURE OF THE ORDER

The order required Respondent to

[V] Pay current child support.

[V] Pay back child support.

[V] Appear for hearing on 11

[V] Disclose financial information(illegible) employment/hours (worked at?) since last hearing 7/21/05 including verification of bonuses/paystubs or (illegible) compensation at least (illegible) to 10/27/05.

2.3 HOW THE ORDER WAS VIOLATED

The order was violated in the following manner:

[V] Failure to pay child support as ordered:

From 7/21/05 through 11/8/05

Amount ordered $875 per month Amount paid $150.00 at hearing 11/2/05 (total due $1775)

[V] Failure to disclose financial information re employment/income.

2.4 PAST ABILITY TO COMPLY WITH THE ORDER

Roger William Knight [V] had the ability to comply with this order.

[V] Respondent has failed to establish the exercise of due diligence, required by RCW 26.18.050(4).

2.5 PRESENT ABILITY TO COMPLY WITH THE ORDER

Roger William Knight [V] has the present ability to comply with this order.

[V] Respondent has failed to establish the exercise of due diligence, required by RCW 26.18.050(4).

2.6 BACK SUPPORT

Back support is not addressed in this order.

III. ORDER AND JUDGMENT

IT IS HEREBY ORDERED:

3.1 Roger William Knight [V] is in contempt of court.

3.2 IMPRISONMENT

[V] Roger William Knight is to be confined to the King County Jail.

[V] Confinement is suspended until 1/18/06 to allow Respondent an opportunity to purge the contempt, or to avoid confinement, or both, as set forth below in Paragraph 3.3.

3.3 CONDITIONS FOR PURGING THE CONTEMPT

[V] Respondent may [V] avoid confinement by:

[V] Respondent may purge contempt by:

1. Paying amount past due per last order of 7 21 05 of $1625 by next date (January) and

2. providing previously ordered verification re income/ listed (illegible) within 30 days of the date of entry of this order and

3. Entry of (illegible) order (illegible) and

4. Respondent shall pay at least another $150 by 12/19/05 and present documents. If he does he need not appear 12 19 05.

5. At any time that respondent is not employed at least 30 hours per week with Mr. King or other employer. he shall seek do 3 job contacts per week.

6. He shall provide KCPA with a copy of the arbitrator's proposal and/or order. if any. prior to the next hearing.

3.4 JUDGMENT FOR PAST CHILD SUPPORT

Does not apply.

3.5 REVIEW HEARING(S)

[V] The court shall review this matter to determine whether Respondent is in contempt. whether he has complied with the conditions of this order. and whether further sanctions should be imposed on 12/19/05 and 1/18/06 at 1:00 PM in Room W-291 King County Courthouse. Respondent shall appear at the date(s) and time stated without further notice. and IF HE FAILS TO APPEAR. A BENCH WARRANT MAY BE ISSUED FOR HIS ARREST.

3.6 RESPONDENT SHALL MAKE ALL FUTURE SUPPORT AND ARREARAGE PAYMENTS TO THE WASHINGTON STATE SUPPORT REGISTRY. P.O. BOX 45868 OLYMPIA. WASHINGTON 98504-5868. RESPONDENT SHALL REPORT ANY CHANGE IN HIS ADDRESS OR EMPLOYMENT TO THE REGISTRY AND TO THE KING COUNTY PROSECUTING ATTORNEY.

A NOTICE OF PAYROLL DEDUCTION MAY BE ISSUED, OR OTHER WITHHOLDING ACTION UNDER RCW 26.18 OR RCW 74.20A MAY BE TAKEN, WITHOUT FURTHER NOTICE TO THE RESPONDENT.

Dated: 11/10/05 Signature of Marilyn R.S. Sellers
COURT COMMISSIONER

Presented by:

Signature of Jacqueline L. Jeske
Jacqueline L. Jeske
Deputy Prosecuting Attorney
WSBA Number: 16790

Approved as to form, copy to be mailed:

Signature of Roger W. Knight
Roger William Knight

Signature of Paul King
FOR THIS APP.
Attorney for Roger William Knight
Paul King